IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 9552 of 2004

Between:

N.S.Bala Krishna S/o.N.K.Sridharan
R/o.B-16/19, DAE Colony, ECIL Post, Hyderabad.

..... PETITIONER

AND

1 The Electronic Corporation of India Ltd., rep. by its Chairman &

Managing Director, ECIL Post, Hyderabad.
2 The Electronics Corporation of India Ltd., rep. by its Director (Personnel),

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction more particularly one in the nature of writ of Mandamus the declaring the action of the respondent in not considering the petitioner's case for compassionate appointment as per seniority, is illegal arbitrary or unjust and violation of the Article.14 and 21 of Constitution of India and consequently direct the respondents to consider the petitioner's case for compassionate appointment in any suitable job.

Counsel for the Petitioner : Mr.B.SHIVA KUMAR

Counsel for the Respondents: Mr.DANTU SRINIVAS, S.C. for ECIL

The Court made the following:

ORDER:

This writ petition is filed by the petitioner to issue a writ of Mandamus declaring the action of the respondents in not considering his case for compassionate appointment as per seniority, is illegal.

It is stated that the petitioner's father was an employee of the respondent corporation, and he expired in the year 1992 while he was in service. After the death of his father, the petitioner has filed an application before the respondents seeking appointment on compassionate grounds. Petitioner submits that he is a B.Com, graduate and previously also he filed Writ Petition No.5895 of 2002 and the same was dismissed by this Court by order dated 10.6.2002 observing that it is for the respondent corporation to consider the case of the petitioner as per the seniority as and when they chose to provide compassionate appointments.
For not implementing the said order, the petitioner has also filed a Contempt Case No.54 of 2004, which was dismissed on 24-2-2004 on the ground that there is no positive direction in the writ petition. It is stated by the petitioner that after disposal of the above writ petition, the respondents made certain appointments of G. Sri Sailam, C. Yadagiri, K. Kalvathy, K. Bala Raju and Prasad. Challenging the said action of the respondents in not considering the case of the petitioner for compassionate appointment as per the seniority, the present writ petition is filed.

The learned Counsel for the respondents submit that the said persons were not appointed on compassionate grounds, but they were working as daily wage employees since long time. For non-regularisation of their services, they filed different writ petitions in the years 1986, 1987 and Sri K. Balaraju filed writ petition in the year 1992 and pursuant to the directions of this Court only, their cases have been considered.

It is further stated by the learned counsel for respondents that there are surplus employees in the respondent-corporation and insofar as the functioning of the respondent-corporation is concerned, the disinvestments commission examined

the working of the respondent- corporation from all the angles and submitted its XIII Report in December, 2003 opining that after closing down some of the divisions of the Corporation, about 2000 people were rendered surplus and out of them nearly 900 people have been separated by Voluntary Retirement Scheme, etc., and still there are 1000 employees more on its rolls. It is stated that there are thirteen persons above the seniority of petitioner who had applied prior to the petitioner for compassionate appointment, and none of them were appointed.

As there are surplus employees working in the corporation, I am of the opinion that the appointment of the petitioner on compassionate ground does not arise as the learned Counsel for the respondents specifically stated that no compassionate appointments have been made in respect of the persons who have applied subsequent to the petitioner.

The writ petition is accordingly dismissed. No costs.

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23-07-2004

ES/DA

To

1 The Chairman & Managing Director, the Electronic Corporation of

India Ltd., ECIL Post, Hyderabad.

2 The Director (Personnel), Electronics Corporation of India Ltd.,

Hyderabad.

3. 2 CD copies.